

Application No.: 09/738,913 Attorney Docket : 42390.P10407 Reply to Office Action of: August 13, 2003

REMARKS

Reconsideration of this application is respectfully requested. Claim 31 is objected to because of a formality. Claims 6 and 7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 1-7, 13-18, 22, and 24-31 are rejected under 35 U.S.C. 102 (e) as being anticipated by U.S. patent number 6,535,939 by Arimilli et al. (hereinafter "Arimilli"). Claims 8-12 and 23 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Arimilli in view of U.S. patent number 6,321,269 by Walker. Claims 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arimilli in view of U.S. patent number 5,386,466 by Bales et al. (herein after "Bales").

Claims 1, 9-13, 16, 19, 22, 23, 26, 29, and 31 have been amended. Claim 8 has been canceled without prejudice. New claims 32 and 33 have been added.

The Examiner objected to claim 31 because of the following informality: claim 31 was missing period at the end of the claim. Claim 31 has been amended to add a period at the end of the claim.

The Examiner rejected claims 6 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that claims 6 and 7 recite the limitation "the group" in line 1 but there is insufficient antecedent basis for this limitation in the claims.

The language in claim 6 and claim 7 is drafted in the traditional Markush form and language used. The language of the traditional Markush form uses "the group." Please refer to MPEP 2173.05(h). Therefore, the Examiner's 35 U.S.C. § 112 second

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paragraph rejection is inappropriate because no ambiguity exists and the above rejection is overcome. Applicant requests that the Examiner withdraw the above rejection.

The Examiner rejected Claims 1-7, 13-18, 22, 24-31 under 35 U.S.C. § 102 (e) as being anticipated by Arimilli. However, applicant respectfully asserts that claim 1, as amended, is not anticipated by Arimilli.

Claim 1 states the routing agent having logic to change the communication pathways based upon a user's input. The Arimilli patent discloses logic to allow a vendor/manufacture to change the bandwidth between devices. Arimilli discloses:

In a static implementation of the invention, which represents a primary implementation, a chip manufacturer creates the chips with configurable buses and provides them to various data processing system vendors. The configurable buses may be set using pins located on the chips. These pins may be set to an "off" or "on" position representing allocation of an affiliated bus to memory or other processors respectively. Thus a pin in the "off" position may represent use of that bus for memory while the pin in the "on" position represents use of the bus for other processor connections. Only one pin may control a number of configurable buses, or alternatively, each configurable bus may have its own individual pin. The vendor selects the particular configuration desired and sets the pins during assembly of the data processing systems. (i.e., The vendor configures the buses prior to installing the chips in the vendor's data processing systems). Thus Compaq Computers may set the pins to effectuate a wider processor to processor bus, while IBM may set the pins to off to effectuate a wider memory bus. Another vendor may share the buses equally between the memory and the other processors. In this static representation, each vendor is thus able to select a specific topology of data processing system based on the bus configurations.

(Arimilli Col. 7, Lns. 10-34)

However, if a user buys a machine from the vendor configured, for example, as a server and the user's desired use of that machine changes to a workstation, then the

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user has no alternative except to buy another machine or get this one reconfigured from the vendor.

Arimilli does not disclose or teach a routing agent having logic to change the communication pathways based upon a user's input. Further, the Examiner acknowledges that Arimilli does not disclose a processor having a protocol layer, an information transfer layer and a buffer layer. Arimilli does not disclose each and every limitation of independent claim 1. As such, claim 1, as amended, is not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Given that claims 2-7, 9-12, and new claim 32 depend from and include the limitations of claim 1, applicant submits that claims 2-7, 9-12, and new claim 32 are not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Applicant respectfully asserts that independent claim 13, as amended, is not anticipated by Arimilli.

Claim 13 states "receiving an input from a user of a processor to determine an amount of bandwidth between a processor and a device."

As discussed above, Arimilli does not disclose or teach receiving an input from a user of a processor to determine an amount of bandwidth between a processor and a device. Arimilli does not disclose each and every limitation of independent claim 13. As such, claim 13, as amended, is not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Given that claims 14 and 15 depend from and include the limitations of claim 13, applicant submits that claims 14 and 15 are not anticipated by Arimilli under 35 U.S.C. § 102 (e).

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Applicant respectfully asserts that independent claim 16, as amended, is not anticipated by Arimilli.

Claim 16 states "allowing a user of the processor to select the bandwidth between the process and the device."

As discussed above, Arimilli does not disclose or teach allowing a user of the processor to select the bandwidth between the process and the device. Further, Arimilli does not disclose or teach transferring information on a second layer between a first processing layer and a device exterior to a processor. Arimilli does not disclose each and every limitation of independent claim 16. As such, claim 16, as amended, is not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Given that claims 17 and 18 depend from and include the limitations of claim 16, applicant submits that claims 17 and 18 are not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Applicant respectfully asserts that independent claim 22, as amended, is not anticipated by Arimilli.

Claim 22 states "a processor having a flexible packet based protocol architecture having a physical layer, a link layer, and a protocol layer . . . and logic configured to allow a user of the processor to select the amount of bandwidth between the process and the chip set."

As discussed above, Arimilli does not disclose or teach logic configured to allow a user of the processor to select the amount of bandwidth between the process and the chip set. Further, Arimilli does not disclose or teach a processor having a flexible

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packet based protocol architecture having a physical layer, a link layer, and a protocol layer.

Arimilli does not disclose each and every limitation of independent claim 22. As such, claim 22, as amended, is not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Given that claims 24 and 25 depend from and include the limitations of claim 22, applicant submits that claims 24 and 25 are not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Applicant respectfully asserts that independent claim 26, as amended, is not anticipated by Arimilli.

Claim 26 states "a means for allowing a user of the processor to select the amount of bandwidth between the process and the device."

As discussed above, Arimilli does not disclose or teach a means for allowing a user of the processor to select the amount of bandwidth between the process and the device.

Arimilli does not disclose each and every limitation of independent claim 26. As such, claim 26, as amended, is not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Given that claims 27 and 28 depend from and include the limitations of claim 26, applicant submits that claims 27 and 28 are not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Applicant respectfully asserts that independent claim 29, as amended, is not anticipated by Arimilli.

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Claim 29 states "a routing agent having programmable logic to change the bandwidth between a processor and a device exterior to the processor without changing a physical component layer in the processor based upon a user's input."

As discussed above, Arimilli does not disclose or teach a routing agent having programmable logic to change the bandwidth between a processor and a device exterior to the processor without changing a physical component layer in the processor based upon a user's input.

Arimilli does not disclose each and every limitation of independent claim 29. As such, claim 29, as amended, is not anticipated by Arimilli under 35 U.S.C. § 102 (e).

Given that claims 30, 31 and new claim 33 depend from and include the limitations of claim 29, applicant submits that claims 30, 31 and new claim 33 are not anticipated by Arimilli under 35 U.S.C. § 102 (e).

The examiner rejected claims 8-12 and 23 under 35 U.S.C. 103(a) as being obvious in view of Arimilli and Walker. Applicant respectfully asserts that claims 9-12, as amended, and claim 23 are not obvious in view of Arimilli and Walker. Walker discloses a client server network implementing transaction based protocol such as TCP. (See Walker Abstract paragraph).

The office action has provided inadequate motivation to combine the cited references under 35 USC § 103. The motivational reason given to combine the Arimilli reference and Walker was "to expand communication to a network." (Office Action 6/18/02, p. 3). The office action cites no hints or suggestions in either reference that actually suggests the combination of these two references. Walker makes no suggestion that the disclosed transaction based protocol could be used in a processor

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architecture. Arimilli makes no suggestion that the disclosed processor could use a transaction based protocol. The reasoning provided does not make particular findings of fact as to why a person skilled in the art of processor design would find the suggestion to use a multi-layered protocol architecture for that processor by implementing a network protocol function taught by Arimilli and/or Walker. The applicant requests a specific citing of facts to establish a prima facie case of obviousness by a preponderance of the evidence under 35 USC § 103.

Furthermore, neither Arimilli nor Walker, individually or in combination, disclose each and every limitation of claim 1. As discussed above, Arimilli does not disclose or teach a routing agent having logic to change the communication pathways in a processor based upon a user's input. Walker does not discuss communication pathways in a processor at all. Accordingly, Walker does not discuss logic to change the communication pathways in a processor based upon a user's input.

As such, claim 1, as amended, is not obvious in view of Arimilli and Walker. Given that claims 9-12 depend from and include the limitations of claim 1, applicant submits that claims 9-12 are not obvious in view of Arimilli and Walker.

Claim 23 is not obvious in view of Arimilli and Walker. The office action has provided inadequate motivation to combine the cited references under 35 USC § 103. Furthermore, neither Arimilli nor Walker, individually or in combination, disclose each and every limitation of claim 23. As such, claim 23 is not obvious in view of Arimilli and Walker.

The Examiner rejected claims 19-21 under 35 U.S.C. 103(a) as being unpatentable over Arimilli in view of Bales.

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Applicant respectfully asserts that claims 9-12, as amended, and claim 23 are not obvious in view of Arimilli and Bales. Bales discloses a switching node in a communication network implementing transaction based protocol. (See Bales Abstract paragraph).

The Office Action has provided inadequate motivation to combine the cited references under 35 USC § 103. The motivational reason given to combine the Arimilli reference and Bales was "to expand communication to a network." (Office Action 6/18/02, p. 3). The office action cites no hints or suggestions in either reference that actually suggests the combination of these two references. Bales makes no suggestion that the disclosed switching node using a transaction based protocol could be used in a processor architecture. Arimilli makes no suggestion that the disclosed processor could use a transaction based protocol. The reasoning provided does not make particular findings of fact as to why a person skilled in the art of processor design would find the suggestion to use a multi-layered protocol architecture for that processor by implementing a network protocol function taught by Arimilli and/or Bales. The applicant requests a specific citing of facts to establish a prima facie case of obviousness by a preponderance of the evidence under 35 USC § 103.

Furthermore, neither Arimilli nor Bales, individually or in combination, disclose each and every limitation of claim 19. As discussed above, Arimilli does not disclose or teach a routing agent having logic to change the communication pathways in a processor based upon a user's input. Bales does not discuss communication pathways in a processor at all. Accordingly, Bales does not discuss logic to change the communication pathways in a processor based upon a user's input.

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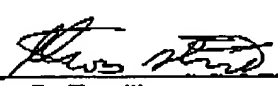
As such, claim 19, as amended, is not obvious in view of Arimilli and Bales.
Given that claims 20 and 21 depend from and include the limitations of claim 19,
applicant submits that claims 20 and 21 are not obvious in view of Arimilli and Walker.

CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. An Information Disclosure Statement is also submitted with this amendment. Applicants reserve all rights with respect to the application of the doctrine equivalents. If there are any additional charges, please charge them to our Deposit Account No. 02-2666. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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